

MAY 22 2023

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

[illegible]

**MOTION PURSUANT TO U.S.C. § 2241
SEEKING APPLICATION OF EARNED
FEDERAL TIME CREDITS THROUGH THE
FIRST STEP ACT (F.S.A.)**

1.

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file writs in federal courts under 28 U.S.C. § 2241, seeking the credits to be ORDERED by courts. It is under this pressure, that the BOP seems responsive. Accordingly, this petitioner is asking for the same relief that is due.

Here, the petitioner has a PATTERN SCORE of 13, and is further classified as a low risk of recidivism. Due to these classifications, he is eligible to have the credits applied.

Thus far, this petitioner has earned T.B.D days towards early release, but his credits have not been applied thus far, and is asking this court to ORDER them to be properly applied according to the Act.

The petitioner has a tentative release date of: 8-8-2025. This petitioner is not subject to any final order of deportation, and so until that is established by an Immigration Court, his eligibility to earn and have applied, FSA time credits is a liberty interest that must be applied universally to all persons.

The BOP's current Program Statement that details the implementation of the First Step Act of 2018 clearly shows the language stricken that was used previously to bar persons with 'possible' deportation issues, or warrants, or detainers, or pending charges. Because none of these situations effect the actual release of an inmate, because there is no RCC/HC placement for these people, the effects of earning good time or earned FSA times are unaffected by possible, or pending immigration issues. As such, these credits must be applied.

Attached is EXHIBIT "A", FSA TIME CREDIT ASSESSMENT, showing how many credits this petitioner has earned. Attached is EXHIBIT "B",

PROGRAM REVIEW SHEET, showing the RISK to RE-OFFEND level and the current release date without the credits.

These exhibits demonstrate that this petitioner has earned the credits, is eligible to receive them, and has a score that commensurates with thee application of the Act.

II. RELIEF REQUESTED

For all of the above mentioned reasons, this petitioner respectfully requests that this Court GRANT the writ, and further ORDER the BOP to apply the earned credits in accordance with the First Step Act, and to further calculate the release date to reflect the proper application of these earned time credits.

Dated this 18 day of mayo, 2023.

Respectfully submitted,

_____

Pro Se

CERTIFICATE OF SERVICE

I, _____ hereby certify that I have served a true and correct copy of the following:

Which is deemed filed at the time it was delivered to prison authorities for forwarding, Houston v. Lack, 101L. Ed. 2d 245 (1988), upon the defendant/defendants and or his attorney/attorneys of record, by placing same in a sealed, postage prepaid envelope addressed to:

and deposited same in the United States Mail at: **Federal Correctional Institution-Herlong
P.O. BOX 800
Herlong, CA 96113**

I declare, under penalty of perjury (Title 28 U.S.C. §1746), that the foregoing is true and correct.

Dated this _____ day of _____, 20_____.

PRO-SE